

REMARKS

Status of the Application

Claims 1-4, 6-12, 14, 15 and 17-20 are all the claims pending in the Application, as claims 5, 16 and 20 are hereby cancelled without prejudice or disclaimer. Claims 1-12 and 14-23 have been rejected.

Allowable Subject Matter

Applicant thanks the Examiner for indicating that claims 5, 8, 16 and 20 would be allowed if rewritten in independent form. Accordingly, Applicant hereby rewrites independent claims 1, 12 and 17 to include the features of claims 5, 16 and 20, respectively. Claims 5, 16 and 20 are correspondingly cancelled without prejudice or disclaimer. Thus, Applicant respectfully submits that claims 1, 12 and 17 are immediately allowable.

Rejections of Claims 1-12 and 14-23 Under 35 U.S.C. § 112

The Examiner has rejected claims 1-12 and 14-23 as being: (1) new matter under 35 U.S.C. § 112, first paragraph; and (2) indefinite under 35 U.S.C. § 112, second paragraph. These rejections are respectfully traversed.

Regarding the “written description” rejection, as indicated in numbered paragraph 4 of the Office Action (pg. 2), the Examiner has taken the position that the features added to claims 1, 12 and 17 by the March 24, 2003 Amendment contain “subject matter which was not described in the specification … at the time the application was filed.”

The Examiner seems to allege that the specification only describes that auxiliary groove 16 is provided on the central plane CL, and that lug grooves 14 are merely connected to the auxiliary groove 16 (citing page 11, lines 11-14 of the specification). The Examiner further alleges that the claim language is “inconsistent with figures 1B, 2B and 3B which fail to show the end of each lug groove to be on the central plane.”

Regarding the Examiner's allegations, Applicant notes that the specification clearly states that "lug grooves 14 (main grooves) ... extend from a shoulder portion to a tire central plane CL" (page 11, lines 7-9). Further, Applicant notes that FIG. 1A shows that the axially inner ends of lug grooves 14 are arranged on the central plane CL.

Regarding the Examiner's allegation of inconsistency between FIGS. 1A and 1B, Applicant believes that this allegation is based upon a slight inaccuracy in FIG. 1B, which is corrected by Amendment herein.¹ In any event, it is readily apparent that both FIG. 1A and the clear language of the specification describe lug groove 14 as extending all the way to central plane CL.

Thus, Applicant respectfully submits that the specification and drawings do provide a full written description for the features added to claims 1, 12 and 17 by the March 24, 2003 Amendment.

Regarding the indefiniteness rejection (see numbered paragraph 2 of the Office Action), Applicant has amended independent claims 1, 12 and 17 in a non-limiting, clarifying, manner to address the Examiner's concerns.

Thus, Applicant respectfully requests the withdrawal of these rejections.

Obviousness Rejections

Applicant respectfully submits that the current obviousness rejections are moot in view of the claim amendments herein.

¹ The Amendment to FIG. 1B does not contain new matter, as it merely conforms the drawing to FIG. 1A and the clear description in the Specification.

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Appln. No.: 09/769,339

Attorney Docket # Q62555

Conclusion

In view of the foregoing, it is respectfully submitted that claims 1-4, 6-12, 14, 15 and 17-20 are allowable. Thus, it is respectfully submitted that the application now is in condition for allowance with all of the claims 1-4, 6-12, 14, 15 and 17-20.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Please charge any fees which may be required to maintain the pendency of this application, except for the Issue Fee, to our Deposit Account No. 19-4880.

Respectfully submitted,



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Date: December 8, 2003